

tions of Ponceau 3R. Misbranding was alleged in the information for the reason that the product so labeled as aforesaid contained substantially 0.64 per cent of phosphoric acid, which said phosphoric acid was not a normal constituent of said food product, and the presence of which said phosphoric acid was not declared upon the label hereinbefore set forth. Misbranding was alleged for the further reason that said label was false and misleading in that it would deceive and mislead a purchaser into the belief that he was obtaining pure red raspberry and apple preserves conforming to the commercial concept of the same, when, in truth and in fact, the said food product contained in addition to red raspberry and apple preserves substantially 0.64 per cent of phosphoric acid, which was not a normal constituent thereof, and the presence of which was not declared upon said label and did not conform to the commercial concept of the same.

On February 6, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$60 and costs. (While it was alleged in the information that one brand of the preserves contained 45 per cent and another 23 per cent of phosphoric acid, it will be noted that the analyses of these brands showed the presence of only 0.45 per cent and 0.23 per cent, respectively, of phosphoric acid.)

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3279. Adulteration of sardines. U. S. v. 800 Cases of Canned Sardines. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 2458. S. No. 862.)

On February 21, 1911, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 800 cases of canned sardines, remaining unsold in the original unbroken packages at Norfolk, Va., alleging that the product had been shipped on February 1, 1911, by L. D. Clark & Son, Eastport, Me., consigned to T. S. Southgate & Co., Norfolk, Va., and transported from the State of Maine into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Clark Brand American Sardines Largest sardine factory in the world Packed in cotton seed oil Packed at Eastport, Washn. Co. Maine by L. D. Clark & Son Serial No. 8061."

Adulteration of the product was alleged in the libel for the reason that the sardines were packed slack and dirty, and were packed with a foreign, injurious substance, and said sardines were filthy, decomposed, and putrid, and, therefore, unfit for human consumption.

On November 18, 1913, the said L. D. Clark & Son having consented thereto, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3280. Adulteration and misbranding of dried milk. U. S. v. 3 Barrels of Dried Milk. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 2529. S. No. 854.)

On March 20, 1911, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels of dried milk, remaining unsold in the original

unbroken packages at Norfolk, Va., alleging that the product had been shipped on January 4, 1911, by Wood & Selick, New York, N. Y., and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Connecticut Pie Co. Norfolk, Va.—P. A. 1257 N. EE 76."

Adulteration of the product was alleged in the libel for the reason that it was sold to the consignee as pure dried milk, when, in truth and in fact, it was not pure dried milk, but a skimmed milk powder, a valuable constituent, namely, cream, being wholly abstracted therefrom. Misbranding of the product was alleged for the reason that it was an imitation of and was offered for sale under the name of another article, that is to say, it was offered for sale as "pure dried milk," when, as a matter of fact, the product was made from skimmed milk.

On November 12, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3281. Adulteration and misbranding of so-called olive or cottonseed oil.

U. S. v. Vincenzo Marrone and Rocco Lofaro. Plea of guilty.

Fine, \$100. (F. & D. No. 2646. I. S. No. 2272-c.)

On February 20, 1912, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Vincenzo Marrone and Rocco Lofaro, Utica, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 3, 1910, from the State of New York into the State of Missouri, of a quantity of so-called olive oil or cottonseed oil which was adulterated and misbranded. The product was labeled: "Olio Puro Sopraffino Rafaele D'Angeli Lucca, Italy," "Cotton Seed Oil."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted of neither olive oil nor cottonseed oil. Adulteration of the product was alleged in the information for the reason that said words upon said label of food represented it to be pure olive oil or cottonseed oil, whereas, in truth and in fact, some other substance had been wholly or in part substituted for the said article of food as it was represented to be. Misbranding of the product was alleged for the reason that, whereas by the words written or printed upon said labels, attached to the cans, the said article of food was represented by defendants to be a product of foreign manufacture, in truth and in fact, the said article of food was not an article of foreign manufacture but was a product of local manufacture and was made and manufactured within the United States, and the said label by means of said misrepresentation was calculated and intended by the defendants to deceive and mislead the purchasers thereof. Misbranding was alleged for the further reason that, whereas by the said printed label the defendants represented the food to be pure olive oil or cottonseed oil, so-called, in truth and in fact, the said statement upon said label was false, fraudulent, and misleading, in that said article of food contained in the cans was not pure olive oil or cottonseed oil but was, in truth and in fact, an imitation thereof and consisted wholly or in part of corn or sunflower seed [oil (?)], and said label was false, misleading, and deceptive.